

PATENT

Attorney Docket No. 05725.0398-00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re National Stage of International  
Application No. PCT/FR98/02074

Roland de la METTRIE et al.

Serial No.: 09/319,204

PCT Filed: September 28, 1998

National Stage Entry: June 2, 1999

For: COMPOSITION FOR THE  
OXIDATION DYEING OF KERATIN  
FIBRES AND DYEING PROCESS  
USING THIS COMPOSITION

Group Art Unit: Unassigned

Examiner: Unassigned

**RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371**

**Box PCT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Attention: Box Missing Parts**

Sir:

In response to the Notification of Missing Requirements mailed July 1, 1999, Applicants submit an identical copy of the Transmittal Letter and executed Declaration/Power of Attorney that were filed with the U.S. Patent and Trademark Office on June 30, 1999. A copy of the date-stamped postcard confirming that the Transmittal Letter and executed Declaration/Power of Attorney were filed on June 30, 1999, is also submitted.

RECEIVED  
JUL 5 1999  
TC 1100 MAIL ROOM

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Serial No.: 09/319,204

Since the executed Declaration/Power of Attorney filed on June 30, 1999, was accompanied by a check to cover the surcharge fee of \$130.00, a copy of which is enclosed herewith, the required surcharge fee of \$130.00 is not being submitted with this response.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Thalia V. Warnement  
Thalia V. Warnement  
Reg. No. 39,064

Dated: August 2, 1999

09/309204


 UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office

 Address: ASSISTANT COMMISSIONER FOR PATENTS  
 Box PCT  
 Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
09/319,204	DE LA METTRIE	R 05725.0398

INTERNATIONAL APPLICATION NO.

PCT/FR98/02074

FILING DATE

PRIORITY DATE

09/28/98

10/03/97

DATE MAILED

07/01/99

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494).  
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation ☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone 800-875-2752

Action:

Due Date 8-1-99

Dec 15/99

Dec 15/99

Dec 15/99

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		<b>Attorney's Docket Number:</b> 05725.0398-00000
		<b>U.S. Application No.:</b> 09/319,204
<b>International Application No.:</b> PCT/FR98/02074	<b>International Filing Date:</b> September 28, 1998	<b>Priority Date Claimed:</b> October 3, 1997

**Title of Invention:** COMPOSITION FOR THE OXIDATION DYEING OF KERATIN FIBRES AND DYEING PROCESS USING THIS COMPOSITION

**Applicant(s) For DO/EO/US:** Roland DE LA METTRIE et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
   
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:
  - a. ☐ Verified Small Entity Statement.
  - b. ☐ Copy of Notification of Missing Requirements.

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ATTORNEY DOCKET NO.:  
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				CALCULATIONS	
17. <input type="checkbox"/> The following fees are submitted:					
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>					
Search Report has been prepared by the EPO or JPO . . . . .				\$	840.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) . . . . .				\$	670.00
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . . .				\$	760.00
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . .				\$	970.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . .				\$	96.00
<b>ENTER APPROPRIATE BASIC FEE AMOUNT ==</b>				\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	130.00
Claims	Number Filed	Number Extra	Rate		
Total Claims	43 - 33=	10	X \$18.00	\$	180.00
Independent Claims	9 - 3=	6	X \$78.00	\$	468.00
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$	0.00
<b>TOTAL OF ABOVE CALCULATIONS ==</b>				\$	778.00
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	0.00
<b>SUBTOTAL ==</b>				\$	778.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
<b>TOTAL NATIONAL FEE ==</b>				\$	778.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$ 40.00
<b>TOTAL FEES ENCLOSED ==</b>				\$	818.00
Amount to be refunded				\$	
Charged				\$	

- a. ☒ A check in the amount of \$ 778.00 to cover the extra claim fee and the surcharge fee and a check in the amount of \$ 40.00 to cover the Assignment recordation fee are enclosed.
- b. ☐ Please charge our Deposit Account No. 06-0916 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.

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09/319,204

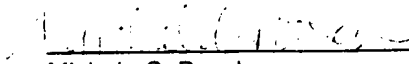
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05725.0398-00000

The Commissioner is hereby authorized to charge any other fees due under 37 C.F.R. §1.16 or §1.17 during the pendency of this application to our Deposit Account No. 06-0916.

**SEND ALL CORRESPONDENCE TO:**

Finnegan, Henderson, Farabow  
Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

  
Michele C. Bosch  
Reg. No. 40,524

Submitted: June 30, 1999